

NEW HAMPSHIRE LAW LIBRARY

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CONCORD, N.H.

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Dec. 11

Russell E. Tobey, Director
Recreation Division
State House Annex
Concord, New Hampshire

Dear Sir:

You have requested our advice as to whether the Salary Adjustment Fund as provided by c. 211, s. 6, Laws of 1953, applies to the Recreation Division. It is my understanding that you feel the Division should not be subject to the Salary Adjustment Fund because of the fact that you are a "self supporting" unit and do not receive appropriated money from the Legislature.

It is the opinion of this office that the Recreation Division is subject to the Salary Adjustment Fund.

The said chapter provides that whereas the appropriations for personal services includes an annual increment and provisions for longevity, and also due to the fact that there are occasional vacancies, the portions of the appropriations not necessary or used for said purposes during the period for which they were appropriated, are to be transferred to the special Salary Adjustment Fund.

The appropriation bill which our legislature approved provides a net appropriation of 0.00 and a gross appropriation of some \$500,000.00 for personal services. This appears to exclude you from the Salary Adjustment Act on the basis that there is no appropriation. However, it is the opinion of this office that an appropriation bill is a measure before a legislative body which authorizes the expenditure of public money and stipulates the amount, manner and purpose of the various items of expenditure. 2 Words & Phrases, 813. An appropriation is a setting apart from the public revenue a certain sum of money for a specified object. This is what the legislature accomplishes in the case of your division. The only difference being that your appropriation is of money not yet accumulated.

Russell B. Robey, Director -- 2.

May I further suggest that you communicate with the
Comptroller and he will explain the method and results of the
Salary Adjustment Fund as it applies to your department.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AMB, Jr/T